

REMARKS

By the above action, claims 21, 30 & 31 have been amended. In view of the actions taken and the following remarks, further consideration of the present application is respectfully requested.

Before proceeding further, the undersigned wishes to thank the Examiner for his courteous and open-minded consideration of the points raised at a personal interview conducted on April 28, 2004, as well as for his suggestions and comments which facilitated formulation of the above amendments. As indicated in the Examiner's Interview Summary, the Examiner indicated it to be his view that the actions taken were thought to overcome the outstanding rejections of record. The substance of the discussions with the Examiner are set forth below, as required, in conjunction with a discussion of the outstanding rejections.

In the Office Action, the Examiner has rejected claim 30 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,568,827 to Walter. However, this rejection has been rendered moot by the conversion of claim 30 to a claim dependent from claim 21. Thus, this rejection should now be withdrawn.

All of the other remaining claims were rejected under 35 U.S.C. §103 based upon the patent to Walter when viewed in combination with the U.S. Patent No. 4,173,717 to Lederer. This rejection is inappropriate, particularly as it relates to amended claim 21, for the following reasons.

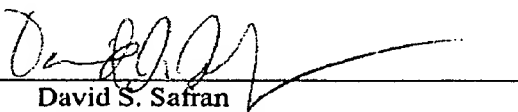
Firstly, as was discussed with the Examiner, the Walter patent is directed to an optoelectronic sensor device that has a first housing part 11 that is pivotably connected to a separate second housing part 12, and where the second housing can be rotated relative to the first housing to enable emission or reception of light from different directions. The Lederer patent, on the other hand discloses an optical assembly having a single external housing which encloses all of the operative components and which has a window through which light is transmissible. Firstly, no logical reason exists for placing the external housing parts of the Walter patent within yet another housing, such as that of the Lederer patent, as proposed by the Examiner in his rejection. However, even if the assembly of Walter were to be enclosed in Lederer housing, given the attachment of the housing part 12 to the housing part 11 and the need to be able move the housing part 12, in any such the housing part 11 would be fixed to the housing enclosing both housing parts, in order to leave the housing part 12 free of attachment to the surrounding housing so that it can still be pivoted.

In contrast, the optical proximity switch of the present invention has an outer housing, the walls of which enclose a *single interior chamber* within which an optics module and a separate electronics module are located, not two separate chambers in two separate housing parts as in Walter. Applicants' outer housing contains a receiving means for receiving the optics module and the optics module has an engagement device by which the *optics module is attached to at least one of the walls within the outer housing* by engagement of the engagement device in the receiving means in a manner for installing the optics module in the interior chamber of the housing *in each of at least two different orientations*. As pointed out above, it would defeat the functionality of the optics module of Walter if his housing part 12 were to be fixed to an inner wall of the type of surrounding outer wall that the Examiner proposes to add since the housing could not then be able to rotate as intended.

Therefore, Applicants respectfully submit that, based on the teachings of Lederer and Walter, one of ordinary skill in the art would not have been taught or motivated to combine their features so as to achieve a device as recited in claims 21-23, 25-29 and 31-33. In particular, Applicants respectfully submit that at least based on the distinctions noted above and the additional feature(s) recited therein, claims 21-23, 25-29 and 31-33 are not rendered obvious by a reasonable combination of the Walter and Lederer disclosures so that withdrawal of the rejection of claims 21-23, 25-29 and 31-33 are in order and are now requested.

While the present application should now be in condition for allowance, if any issues remain unresolved or any new issues arise and the Examiner believe that such could be resolve through discussions with Applicants' representative, the Examiner is requested to contact the undersigned by telephone at the telephone number listed below in order that the further progress of this application might thereby be expedited.

Respectfully submitted,

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